

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9058 OF 2005

Between:

Kondadula Siva Rami Reddy s/o.Venkata Reddy, Aged 50 years,
Peddamuriyam Village and Mandal, Kadapa District.

..... PETITIONER

AND

1. The Mandal Revenue Officer-Cum-- Authorised officer,
Peddamuriyam Village and Mandal, Kadapa District.
2. The District Collector, Kadapa.
3. The Revenue Divisional Officer Nandyal, Kurnool District.
4. The DistrictCollector, Kurnool
5. The Executive Engineer (Irrigation)
K.C.Canal, Nandyal Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate, writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in taking steps for conducting elections to the Peddamuriyam Water Users Association and the continuation of the Water Users Association as irrational, irregular, arbitrary, illegal,

unconstitutional unjustified and unsustainable and pass such other order or orders.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents 1 to 5: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

The petitioner aggrieved of the action of the respondents in conducting elections to Peddamuriyam Water Users' Association, filed this writ petition contending that the channel known as Vengampally Distributory Channel, which was in existence for the last one hundred years is closed and no water is available to let out and, therefore, no purpose would be served by creation of the Association by the District Collector, who is competent authority under the provisions of the A.P. Farmers Management of Irrigation Systems Act, 1997.

Section 3 of the Act mandates that the District Collector, may, by notification and in accordance with the Rules made under this Act, in this behalf, delineate, every command area under each of the irrigation systems on a hydraulic basis which may be administratively viable, and declare it to be a water users' area. A proviso is carved out stating that in respect of the command area under the minor and lift irrigation systems, the entire command area may, as far as possible form a single water user's area. Further proviso to Rule 3(4) mandates that any person who is in lawful possession and enjoyment of the land under a water source, on proof of such possession and such enjoyment, in a crop year, may claim membership notwithstanding whether he is a recorded landholder or

not, in which case the Water Users Association shall not refuse the membership of such person. Rule 4 prescribes Election of President and Members of the Managing Committee of Water Users Association while Rule 5 thereof, deals with delineation of Distributory area and constitution of the Distributory Committees.

Evidently, for the Constitution of the Water Users Association, the District Collector is the competent authority to look into the matter both in respect of administrative viability and territorial constituencies. Therefore, if the Collector is satisfied, he can abolish the Water Users Association, in the interest of public. But the petitioners without approaching the Collector, have resorted to file this writ petition invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, I deem it appropriate to dispose of the writ petition with a direction to the petitioners to approach the District Collector, Kadapa, by way of filing representation bringing the facts to his notice and raising all the contentions that are raised herein. With these directions, the writ petition is disposed of. No order as to costs.

Elipé Dharma Rao, J.

April 21, 2005

MAS.

To

1. The Mandal Revenue Officer-Cum-Authorised officer,
Peddamuriyam Village and Mandal, Kadapa District.
2. The District Collector, Kadapa.
3. The Revenue Divisional Officer Nandyal, Kurnool District.
4. The DistrictCollector, Kurnool
5. The Executive Engineer (Irrigation)
K.C.Canal, Nandyal Kurnool District.
6. Two copies to the GP for Irrigation and Command Area
Development, A.P. High Court Building, Hyderabad.
7. 2 CD copies
8. 1 CC to MR.VEERA REDDY

*Form-NIC-OGS/WP{**MPL**}*